

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FILED

DEC 14 2022

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN REX UPTON,

Defendant.

BONNIE HACKLER
Clerk, U.S. District Court

By _____

Deputy Clerk

Case No.

CR 22-167 RAW

INDICTMENT

The Federal Grand Jury charges:

COUNT ONE

COERCION AND ENTRICEMENT
[18 U.S.C. § 2422(b)]

Between on or about April 12, 2022 and April 18, 2022, in the Eastern District of Oklahoma, the defendant, **NATHAN REX UPTON**, did use a facility and means of interstate and foreign commerce to knowingly persuade, induce, entice, and coerce any individual who had not attained the age of 18 years old to engage in any sexual activity for which any person can be charged with a criminal offense, including Title 18, United States Code, Section 2251(a), Sexual Exploitation, Title 18, United States Code, Section 2427, Inclusion of Offenses Relating to Child Pornography, and Title 21, Oklahoma Statutes, Section 1123(a)(5)(c), Lewd or Indecent Proposals or Acts with a Child, and Title 21, Oklahoma Statutes, Section 1021.2, Procuring Participation of a Minor in Child Pornography, and attempted to do the same, in violation of Title 18, United States Code, Section 2422(b).

COUNT TWO

**POSSESSION OF CERTAIN MATERIAL INVOLVING THE SEXUAL
EXPLOITATION OF A MINOR
[18 U.S.C. §§ 2252(a)(4)(B) & (b)(2)]**

On or about October 20, 2022, in the Eastern District of Oklahoma, the defendant, **NATHAN REX UPTON**, did knowingly possess and access with the intent to view, one or more matters which contained a visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, as that term is defined in Title 18, United States Code, Section 2256(2), including a visual depiction that involved a prepubescent minor and a minor who had not attained twelve years of age, and said visual depiction is of such sexually explicit conduct, and had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce and which was produced using materials which have been so shipped and so transported, by any means including by computer, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2).

FORFEITURE ALLEGATION
[18 U.S.C. § 2253]

1. The allegations contained in Counts One and Two of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253.

2. Upon conviction of the violation charged in Counts One and Two of this Indictment involving violations of Title 18, United States Code, Sections 2422(b), 2252(a)(4)(B), and (b)(2), the defendant, **NATHAN REX UPTON**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 2253, any and all of the defendant's right, title and interest in:

- a. any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or

2260 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received;

- b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and
- c. any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

3. If any of the property subject to forfeiture, pursuant to Title 18, United States Code, Section 2253, as a result of any act or omission of the defendant[s]:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other property of said defendant[s] up to the value of the forfeitable property.

A TRUE BILL:

CHRISTOPHER J. WILSON
United States Attorney



CAILA M. CLEARY

State Bar of New York # 5587951
Assistant United States Attorney

Pursuant to the E-Government Act,
the original indictment has been filed
under seal in the Clerk's Office.

s / Foreperson
FOREPERSON OF THE GRAND JURY